

**UNITED STATES PRETRIAL SERVICES AGENCY**  
**Eastern District of New York**

**MEMORANDUM**

**DATE:** July 27, 2012  
**TO:** Honorable Kiyo Matsumoto  
United States District Judge  
**RE:** Fusella, Gerardo  
Docket No.: 11CR844-01

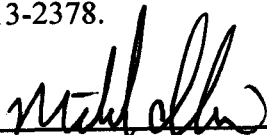
Request for Bail Review Hearing

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The above-referenced defendant made his initial appearance on December 22, 2011 before United States Magistrate Robert M. Levy and was released on a \$1,000,000 cosigned bond with the following additional conditions: travel restricted to the Eastern and Southern Districts of New York and New Jersey; avoid contact with victims, witnesses, or potential witnesses; surrender passports and do not re-apply; subject to home/employment visits; subject to random drug-testing and, if necessary, treatment; shall not possess a firearm; and report as directed to Pretrial Services. At a bail revocation hearing on March 29, 2012, wherein AUSA Whitman Knapp made allegations the defendant continued to engage in the threatening of another person, the following additional release conditions were imposed: subject location monitoring with a daily curfew from 5am to 9pm; must pay the cost of location monitoring; shall avoid and no direct or indirect contact with John Doe #1, his personnel and employees; and shall identify all telephone lines that he uses and shall consent to Pretrial Services inspecting any phone records, text messages, or other communications. On July 17, 2012, Your Honor modified the curfew so that monitoring would be done with voice verification technology rather than an ankle bracelet. The defendant is set to appear before Your Honor on August 1, 2012 for a status conference.

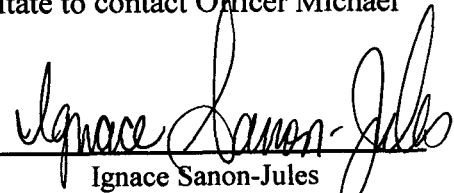
We are now writing Your Honor to request a bail review hearing. One of the bond cosigners, Carlos Jacho, contacted the defendant's New Jersey Pretrial Services officer on July 26, 2012 and asked to be removed from the bond. This officer also spoke to Mr. Jacho that day and confirmed he wished to have his name taken off the bond. Both AUSA Whitman Knapp and defense counsel Stuart Rubin were advised of the situation. Pretrial Services is respectfully requesting a bail review hearing take place so that Mr. Jacho can appear before Your Honor to be removed from the bond. Should Your Honor grant this request, an order is attached for your convenience. If there are any questions, please do not hesitate to contact Officer Michael Ilaria at (718) 613-2378.

Prepared by:

  
Michael Ilaria

U.S. Pretrial Services Officer

Approved by:

  
Ignace Sanon-Jules

Supervising Pretrial Services Officer

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Docket No.: 11CR844-01

IT IS THE ORDER OF THE COURT THAT:

- ☒ A bail review hearing be scheduled for 8/1/12, 2012 at 2pm  
Courtroom 6G North
- ☐ No action with regard to the defendant's condition of release is to take place at this time.
- ☒ Other: AUSA Knapp and Stuart Rubin, Esq  
shall respond by 7/31/12. Senator Carlos  
Tacho shall appear on 8/1/12 at 11:25. The  
defendant's counsel shall notify Mr.  
Tacho that he is to appear on 8/1/12.

SO ORDERED,

\_\_\_\_\_  
Honorable Kryo Matsumoto  
U.S. District Judge

7/27/12  
\_\_\_\_\_  
Date

cc: Whitman Knapp, AUSA  
Stuart Rubin, Defense Counsel